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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,216	09/07/2000	Jean-Paul Chollon	END9-2000-0105	1339

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EXAMINER

O#CONNOR, GERALD J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/657,216

Applicant(s)
Chollon et al.

Examiner
O'Connor

Art Unit
3627



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 16, 2004 (Amdt "D").
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 14-23 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 25, 2002 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment and arguments filed by applicant on June 16, 2004 (Paper N^o 15) in reply to the Office action mailed February 12, 2004.
2. The amendment of claims 1, 14, and 15 by applicant in Paper N^o 15 is hereby acknowledged.
3. Applicant's characterization of the Office action mailed February 12, 2004 as a "FINAL office action" (page 16) is *incorrect*. The previous Office action (Paper N^o 14), mailed February 12, 2004, was in fact a *non-final* Office action, as clearly indicated by item 2b of the "Office Action Summary" page.

Response to Amendment

4. The amendment submitted June 16, 2004 (Paper N^o 15) fails to comply with 37 CFR 1.121(c) because it presents previously cancelled claims 4-13 (cancelled by applicant in Paper N^o 7, as acknowledged by the Office in Paper N^o 8) as "[Withdrawn]" and indicates the text of the cancelled claims instead of presenting the previously cancelled claims as --[Cancelled]-- with no text of the cancelled claims indicated. The necessary correction has been made and the paper entered, but all future amendments must comply with 37 CFR 1.121.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. (US 5,758,327).

Gardner et al. disclose a method for creating a valid chart of accounts from which an administrator of a local enterprise can facilitate and enable a requisitioner to select a valid account, comprising the steps of: establishing a communication link 30 with an external enterprise catalog system 12; transmitting 36 from the enterprise catalog system 12 a chart of accounts to a requisition catalog system database 10, it being deemed inherent that the format on the local enterprise system would be specified by the local system; selecting from the requisition catalog system database 10 valid accounts with descriptions for a given commodity (see, in particular, column 5, line 57, to column 6, line 13); and, associating 50 a selected account/description tuple with company commodity groups for use in a requisition creation process (see, in particular, column 6, lines 64-67), but Gardner et al. do not specifically disclose that the chart of accounts includes descriptions, nor that the valid accounts have a limited purchase period.

However, descriptions and valid periods (such as a name of the account and a particular valid fiscal year) for accounts are well known, hence obvious, elements to include in any system of requisitioning accounting so that the users know for what purpose each account is intended, or, in other words, providing a “mapping” or concordance between valid account codes/numbers and particular corresponding commodities/codes.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Gardner et al., so as to include account descriptions and periods, as is well known to do, in order to facilitate selection of the proper account to which to charge a particular requisition, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claims 2, 16, and 18, the method of Gardner et al. includes the requisitioner 18 searching 40 against commodities and catalogs 24, 26, 28 in commodity description documents and, responsive thereto, creating one or more line items (see col. 5, line 61, to col. 6, line 13).

Regarding claims 3, 17, and 19-23, the method of Gardner et al. includes the requisitioner initiating a proceed to accounting process which displays lines item(s) selected by the requisitioner and an agent created financial worksheet (see, in particular, column 6, line 27, to column 9, line 56). Gardner et al. also disclose the use of commodity codes (see, in particular, column 5, lines 57-61), but do not specifically disclose the recited details of the descriptions of each commodity code. However, the recited elements of the commodity code descriptions are

all well known, hence obvious, elements to use in any commodity code descriptions. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have further modified the method of Gardner et al., if required, so as to include the particular non-functional descriptive material recited by the claim, in order to describe each particular commodity code in detail so as to facilitate selection of the proper commodity code, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

7. Applicant's arguments filed June 16, 2004 have been fully considered but they are not persuasive.

8. Regarding the argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that "the loading of commodity codes and charts of accounts has been disassociated from the catalog concept completely") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. Regarding the argument that Gardner et al. is referring to, in column 5, line 57, to column 6, line 13, activities performed by the requester, rather than by the administrator as

claimed by applicant, it is indeed the administrator in the method of Gardner et al. that performs the claimed activities, associating valid account codes from the global chart of accounts with specific commodity codes. See, for example, column 5, lines 57-60, stating that the “storing of the catalog” [by the administrator, since that is who is doing the storing] “may include storing commodity code structures and charts of accounts for the companies 12, 14, and 16” [i.e., for the requester(s), since the requesters 18, 20, and 22 are employees or principals at the companies 12, 14, and 16]. See column 4, lines 45-50.

10. Regarding the argument(s) that the mere assertion that a particular modification to the applied prior art would have been obvious to one of ordinary skill in the art does not support a *prima facie* obvious rejection without an affidavit from the examiner in support of the assertion, such an assertion indeed supports such a rejection, since “the rationale supporting an obviousness rejection may be based on common knowledge in the art or ‘well-known’ prior art.” See MPEP § 2144.03.

Furthermore, as applicant has now failed to seasonably provide any *proper* traverse to the examiner’s stated positions as to what is well known prior art, and, as any traverse (proper or not) would no longer be considered seasonable, the objects of the well known statements are therefore now deemed and considered henceforth to be admitted prior art.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to the disclosure.

12. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is **(703) 746-3976**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

Inquiries of a general nature or simply relating to the status of the application should be directed to the receptionist, whose telephone number is **(703) 308-1113**.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at (703) 308-5183.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306** (fax-back auto-reply receipt service provided). Mailed replies should be addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231." Hand delivered replies should be left with the receptionist on the seventh floor of Crystal Park Five, 2451 Crystal Dr, Arlington, VA 22202.

GJOC

August 31, 2004

Handwritten signature of Robert P. Olszewski, dated 9/2/04.

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600